

03-02-05 #21

CASE 4-31336P1



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV 336718851 US

Express Mail Label Number

March 1, 2004

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1644

CROWL ET AL.

Examiner: P. Nolan

APPLICATION NO: 09/522,699

FILED: MARCH 10, 2000

FOR: ARTHRITIS-ASSOCIATED PROTEIN

RECEIVED

MAR 04 2004

OFFICE OF PETITIONS

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT

Sir:

The above-identified application became abandoned for failure to respond to the Notice of Allowance and Issue Fee due with the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Notice of Allowance and Fee(s) due plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT OF THIS APPLICATION.

1. Petition Fee:

The Commissioner is hereby authorized to charge the \$130 fee under 37 CFR §1.17(h) and any additional fees that may be required to Deposit Account No. 19-0134 in the name of Novartis Corporation. An additional Copy of this paper is enclosed.

2. Reply and/or fee

a. The reply and/or fee to the Notice of Allowance in the form of an Issue Fee(s) transmittal is enclosed herewith.

b. The Issue fee of \$1300 is authorized in the fee transmittal which is enclosed herewith.

03/03/2004 AWONDAF1 00000093 190134 09522699

01 FC:1460

130.00 DA

RECEIVED

MAR 08 2004

TECH CENTER 1600/2000

c. As demonstrated by the Docket report submitted herewith, the Notice of Allowance and Issue Fee mailed on September 4, 2003 was not received by applicants' representative.

d. A Change of Correspondence Address application [form PTO/SB/122] is enclosed herewith.

3. Statement establishing non-receipt of Notice of Allowance

Applicants representative did not pay the required issue fee within the statutory period of 3 months from the mailing date of the Notice of Allowance. After receiving a Notice of Abandonment, the case file was reviewed and it was found that prior to receiving the Notice of Abandonment, no action from the examiner had been received since the last correspondence on behalf of applicants dated January 3, 2003. After contacting the USPTO, applicants' representative was informed that the Notice of Allowance was mailed on September 4, 2003. The Notice of Allowance was never received by applicants' representative or any members of the Corporate Intellectual Property Department, including the docketing staff. A search of the file jacket and docket records indicates that the Notice of Allowance was not received. A printout of the docket report showing all replies that were docketed for response on December 4, 2003 is submitted herewith. The docket report does not include a docketing entry for payment of the issue fee for the above-identified application (Docket Reference # 4-31336P1). Accordingly, it is respectfully submitted that applicants' representative never received the Notice of Allowance.

In light of the above remarks and the docket report submitted herewith, it is respectfully requested that the holding of abandonment of the above-identified case be withdrawn, that the Issue Fee submitted herewith be accepted, and the case passed to issue.

Respectfully submitted,



David E. Wildman  
Attorney for Applicants  
Reg. No. 40,226

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 430  
East Hanover, NJ 07936-1080  
(862) 778-7954

Date: March 1, 2004

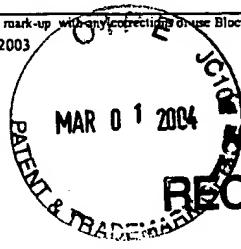
## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
**Commissioner for Patents**  
**Alexandria, Virginia 22313-1450**  
**or Fax** (703) 746-4000

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up, with only corrections from Block 1)  
 7590 09/04/2003

Thomas Hoxie  
 Novartis Corporation  
 Patent and Trademark Dept  
 564 Morris Avenue  
 Summit, NJ 07901-1027



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

SEE FILING BY EXPRESS MAIL BELOW (Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAME, MIDDLE NAME, LAST NAME Robert Mitchell Crowl	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,699	03/10/2000		4-31336PI	5894

TITLE OF INVENTION: ARTHRITIS-ASSOCIATED PROTEIN

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$0	\$1300	12/04/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
NOLAN, PATRICK J	1644	536-023500

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. David E. Wildman

2. \_\_\_\_\_

3. \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Novartis AG

Basel, Switzerland

Please check the appropriate assignee category or categories (will not be printed on the patent):  individual  corporation or other private group entity  government

## 4a. The following fee(s) are enclosed:

## 4b. Payment of Fee(s):

 Issue Fee A check in the amount of the fee(s) is enclosed. Publication Fee Payment by credit card. Form PTO-2038 is attached. Advance Order - # of Copies 10 The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 19-0134 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)  (Date) 3/11/04

David E. Wildman Registration # 40,226

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## FILING BY "EXPRESS MAIL"

UNDER 37 CFR 1.10

EV 336718851 US

## Express Mail Label Number

march 1, 2004

## Date of Deposit

03/03/2004 AWDNDAF2 00000024 190134 09522699

01 FC:1501 1330.00 DA

02 FC:8001 30.00 DA

TRANSMIT THIS FORM WITH FEE(S)

**PATENT USER ACTION REPORT BY DUE DATE**

FROM: 12/4/2003  
 THROUGH: 12/4/2003  
 STATUS: ACTIVE

Printed: 2/27/2004 Page 1

REFERENCE#	MARK/TITLE	COUNTRY	ACTION	ORIGINAL DUE DT	FINAL	RESPONSE	ATTY1 / ATTY2 PARA
4-100-8241D	PHARMACEUTICAL COMPOSITION	US	CK.FOR ISSUE NOTIF.	12/04/2003	12/4/2003	7/18/2003	EJW/N/A/N/A
4-30476D	COMPOSITIONS AND THEIR USE	US	FILG RCPT CHK	12/04/2003	12/4/2003	12/4/2003	HJP/N/A/N/A
4-30656A	METHOD FOR SCREENING COMPOUND	US	RESPONSE TO OA (1MO)	12/04/2003	5/4/2004	11/21/2003	PLH/N/A/N/A
4-31153A	PROCESS FOR PHENYLACETIC ACID	US	RESPONSE TO OA (1MO)	12/04/2003	5/4/2004	12/1/2003	DEW/N/A/N/A
4-31320A	DIPEPTIDE NITRILE CATEPSIN	US	REQ PATENT TERM ADJ	12/04/2003	12/4/2003	12/23/2003	DEW/N/A/N/A
4-31440B	NOVEL GENE	US	RESPONSE TO OA (1MO)	12/04/2003	5/4/2004	11/25/2003	DGB/N/A/N/A
4-31613A	DIAZACYCLOALKANEDIONE DERIVATIVE	US	REQ PATENT TERM ADJ	12/04/2003	12/4/2003	12/23/2003	NG/N/A/N/A
4-31912A	PHARMACEUTICAL COMPOSITION	US	FILG RCPT CHK	12/04/2003	12/4/2003	12/29/2003	GRD/N/A/N/A
4-31932A/32282	FUSED PYRIDINE DERIVATIVES	F	FILG RCPT CHK	12/04/2003	6/4/2004		HJP/N/A/N/A
4-31993A	OXAZOLO- AND FUROPYRIMIDIN	US	POST CARD CHECK	12/04/2003	12/4/2003	11/14/2003	DPT/N/A/N/A
4-31994A	COMBINATION COMPRISING N-(5	US	POST CARD CHECK	12/04/2003	12/4/2003	11/14/2003	DPT/N/A/N/A
4-32316A	USE OF ORGANIC COMPOUNDS	US	RESPONSE TO OA	12/04/2003	3/4/2004	11/7/2003	GRD/N/A/N/A
4-32410A	USE OF ORGANIC COMPOUNDS	US	RESPONSE TO OA	12/04/2003	3/4/2004		DPT/N/A/N/A
4-32644A	TREATMENT OF TUBEROUS SCLEROSIS	US	FILG RCPT CHK	12/04/2003	12/4/2003	11/24/2003	GRD/N/A/N/A
IB/G-33138P1	STABLE PHARMACEUTICAL COMPOUND	WO	POST CARD CHECK	12/04/2003	3/4/2004	11/17/2003	JDT/N/A/N/A
IB/G-33138P1	STABLE PHARMACEUTICAL COMPOUND	WO	FILING CONFIRMATION	12/04/2003	12/4/2003	12/3/2003	JDT/N/A/N/A
N-32553A	NUTRITIONAL COMPOSITIONS	US	FILG RCPT CHK	12/04/2003	12/4/2003	12/4/2003	JWK/N/A/N/A
RG/G-31966A	PHARMACEUTICAL COMPOSITION	US	POST CARD CHECK	12/04/2003	12/4/2003	11/14/2003	JDT/N/A/N/A

END OF REPORT

TOTAL ITEMS SELECTED = 18